IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.9038-M of 2007
Date of Decision:- 15.03.2007

Surinder Kumar ....Petitioner(s)

through
Mr.P.C.Suman, Advocate

vs.

State of Punjab ....Respondent(s)

through
Mr.B.S.Baath, AAG, Punjab.
Mr.K.S.Atwal, Advocate.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J.

The prayer in this petition is to release the petitioner on regular bail in case F.I.R.No.9 dated 11.01.2007 under Section 420 IPC registered at Police Station Garhshankar, District Hoshiarpur.

As per the allegations contained in the F.I.R., the petitioner himself and on behalf of Gurmit Singh and Didar Singh entered into an agreement to sell with the complainant in respect of agricultural land measuring 240 kanals 4 marlas. The agreement to sell was executed on 14.10.2005. It is alleged that though the sale deed was to be executed on or before 30.10.2006, yet the petitioner after receipt of part sale consideration, sold the land to a third party on 21.3.2006.

On the other hand, it is contended on behalf of the petitioner that since the complainant failed to make part payment of the sale

consideration on the agreed date, the agreement to sell became ineffective and, therefore, the land was sold to a third party.

The petitioner was arrested on 12.1.2007 and is in custody since then.

After hearing learned counsel for the parties and having regard to the nature of offence attributed to the petitioner, however, without going into the merits of the allegations and counter-allegations, lest it should prejudice either of the parties, this petition is allowed. The petitioner is directed to be released on bail to the satisfaction of the Chief Judicial Magistrate, Hoshiarpur/Illaqa Magistrate, Garhshankar.

March 15, 2007 **(SURYA KANT)**
poonam **JUDGE**